

July 28, 2004

The Regular Meeting of the Rockingham County Board of Supervisors was held on Wednesday, July 28, 2004, at 3:00 p.m. at the Rockingham County Administration Center, Harrisonburg, Virginia. The following members were present:

PABLO CUEVAS, Election District #1
CHARLES W. AHREND, Election District #2
DEE E. FLOYD, Election District #3
MICHAEL A. BREEDEN, Election District #5

WILLIAM B. KYGER, JR., Election District #4,
was absent

Also present:

JOSEPH S. PAXTON, County Administrator
G. CHRIS BROWN, County Attorney
JAMES L. ALLMENDINGER, Director of Finance
RHONDA G. HENDERSON, Director of Planning
JENNIFER M. HOOVER, Director of Public Works
FRANKLIN P. O'BYRNE, Director of Information Systems
DOTTIE L. BOWEN, Deputy Clerk
TIMMY FITZGERALD, Assistant Resident Engineer
Virginia Department of Transportation

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CALL TO ORDER
PLEDGE OF ALLEGIANCE AND INVOCATION.

Chairman Ahrend called the meeting to order at 3:00 p.m.

Director of Public Works Hoover led the Pledge of Allegiance, and Supervisor Floyd gave the Invocation.

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APPROVAL OF MINUTES.

On motion by Supervisor Floyd, seconded by Supervisor Breeden and carried by a vote of 4 to 0, voting recorded as

follows: AHREND - AYE; BREEDEN - AYE; CUEVAS - AYE; FLOYD - AYE; KYGER - ABSENT; after making additions to pages 10 and 17 of the draft minutes, the Board approved the Minutes of the Regular Meeting held on June 23, 2004.

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FINANCIAL REPORTING AWARD.

Chairman Ahrend presented to Angela Hernandez, Accountant, Finance Department, the Certificate of Achievement for Excellence in Financial Reporting.

This Award is presented by the Government Finance Officers Association of the United States and Canada to those individuals who have been instrumental in their government unit achieving a Certificate of Achievement for Excellence in Financial Reporting. A Certificate of Achievement is presented to those government units whose annual financial reports are judged to adhere to program standards and represents the highest award in government financial reporting.

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TRANSPORTATION DEPARTMENT.

The Board heard Mr. Fitzgerald's report on the activities of the Transportation Department.

Supervisor Breeden advised that the residents in the Big Run Subdivision, on Route 340 south of Island Ford, want to be brought into the State System. Mr. Fitzgerald will investigate that possibility.

Supervisor Floyd expressed interest in having a speed limit sign (45 MPH) posted on Route 704, off Port Republic Road heading south. Mr. Fitzgerald will request a study of that section of road to see what the appropriate speed limit should be.

On motion by Supervisor Floyd , seconded by Supervisor Cuevas and carried by a vote of 4 to 0, voting recorded as follows: AHREND - AYE; BREEDEN - AYE; CUEVAS - AYE; FLOYD - AYE; KYGER - ABSENT; the Board adopted the following Resolutions No. 03-13 and 04-14.

RESOLUTION NO. 04-13

WHEREAS, the streets described below are shown on plats recorded in the Clerk's Office of the Circuit Court of Rockingham County, and

WHEREAS, the Resident Engineer for the Virginia Department of Transportation has advised this Board the streets described below meet the requirements established by the Subdivision Street Requirements of the Virginia Department of Transportation, and

NOW, THEREFORE, BE IT RESOLVED, this Board requests the Virginia Department of Transportation to add the following streets, a total distance of 0.637 mile to the secondary system of state highways, pursuant to Section 33.1-229, Code of Virginia, and the Department's Subdivision Street Requirements:

Name of Subdivision: Lakewood Section 9
Name of Street: Route 1003 (Cumberland Drive) Length: 0.316 mile
From: End of State Maintenance
To: Route 689 (Shen Lake Drive)
Guaranteed right-of-way width: 50 feet.
Plat Recorded, Date: March 19, 2001 Deed Book: 1968 Page: 584

Name of Subdivision: Lakewood Section 9
Name of Street: Route 1037 (Berryfield Drive) Length: 0.052 mile
From: Route 1003 (Cumberland Drive)
To: End of State Maintenance
Guaranteed right-of-way width: 50 feet.
Plat Recorded, Date: March 19, 2001 Deed Book: 1968 Page: 584

Name of Subdivision: Lakewood Section 10
Name of Street: Route 1038 (Seneca Road) Length: 0.197 mile
From: Route 1003 (Cumberland Drive)
To: Cul de sac
Guaranteed right-of-way width: 50 feet.
Plat Recorded, Date: May 30, 2001 Deed Book: 1968 Page: 591

Name of Subdivision: Lakewood Section 10
Name of Street: Route 1039 (Swiftwater Court) Length: 0.072 mile
From: Route 1038 (Seneca Road)
To: Cul de sac
Guaranteed right-of-way width: 50 feet.
Plat Recorded, Date: May 30, 2001 Deed Book: 1968 Page: 591

BE IT FURTHER RESOLVED, this Board guarantees a clear and unrestricted right-of-way, as described, and any necessary easements for cuts, fills and drainage, and

BE IT FURTHER RESOLVED, that a certified copy of this resolution be forwarded to the Resident Engineer for the Virginia Department of Transportation.

RESOLUTION NO. 04-14

WHEREAS, the streets described below are shown on plats recorded in the Clerk's Office of the Circuit Court of Rockingham County, and

WHEREAS, the Resident Engineer for the Virginia Department of Transportation has advised this Board the streets described below meet the requirements established by the Subdivision Street Requirements of the Virginia Department of Transportation, and

NOW, THEREFORE, BE IT RESOLVED, this Board requests the Virginia Department of Transportation to add the following streets, a total distance of 0.17 mile to the secondary system of state highways, pursuant to Section 33.1-229, Code of Virginia, and the Department's Subdivision Street Requirements:

Name of Subdivision: Quarles Business Park
Name of Street: Route 1028 (Quarles Court) Length: 0.17 mile
From: Route 687 (Massanetta Springs Road)
To: Cul de sac

Guaranteed right-of-way width: 50 feet.
Plat Recorded, Date: January 23, 2001

Deed Book: 1904

Page: 275

BE IT FURTHER RESOLVED, this Board guarantees a clear and unrestricted right-of-way, as described, and any necessary easements for cuts, fills and drainage, and

BE IT FURTHER RESOLVED, that a certified copy of this resolution be forwarded to the Resident Engineer for the Virginia Department of Transportation.

On motion by Supervisor Breeden, seconded by Supervisor Floyd and carried by a vote of 4 to 0, voting recorded as follows: AHREND - AYE; BREEDEN - AYE; CUEVAS - AYE; FLOYD - AYE; KYGER - ABSENT; the Board adopted the following Resolution No. 04-15.

RESOLUTION NO. 04-15

WHEREAS, the Virginia Department of Transportation has provided this Board with a sketch dated July 8, 2004 depicting the additions, and discontinuances required in the secondary system of state highways as a result of Project 0340-082-R03, M501, which sketch is hereby incorporated herein by reference,

WHEREAS, the new road serves the same citizens as those portions of old road identified to be discontinued and those segments no longer serve a public need, and

NOW, THEREFORE, BE IT RESOLVED, this Board requests the Virginia Department of Transportation to add to the secondary system of state highways those portions of road identified by the sketch to be added, a total distance of 0.056 mile, pursuant to 33.1-229, Code of Virginia, and

BE IT FURTHER RESOLVED, this Board discontinues as part of the secondary system of state highways those portions of road identified by the sketch to be abandoned, a total distance of 0.12 mile, pursuant to 33.1-155, Code of Virginia, and

BE IT FURTHER RESOLVED, that a certified copy of this resolution be forwarded to the Resident Engineer for the Virginia Department of Transportation.

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**HARRISONBURG-ROCKINGHAM COMMUNITY SERVICES BOARD -
STATE PERFORMANCE CONTRACT.**

Lacey Whitmore, Harrisonburg-Rockingham Community Services Board (CSB), was present to answer questions related to the CSB State Performance Contract.

On motion by Supervisor Cuevas, seconded by Supervisor Breeden and carried by a vote of 4 to 0, voting recorded as follows: AHREND - AYE; BREEDEN - AYE; CUEVAS - AYE; FLOYD - AYE; KYGER - ABSENT; the Board approved the Contract as presented.

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COUNTY ADMINISTRATOR'S STAFF REPORT.

The Board received and reviewed Mr. Paxton's staff report dated July 23, 2004, including information on the Virginia Cooperative Extension 4-H program, VTrans 2005 Long Term Transportation Plan, an invitation to Sugar Grove Naval facility, the City of Harrisonburg Resource Recovery Plant, SPCA funding, legislative priorities, proposed Mutual Aid Agreement between the County, Schools and Central Shenandoah Health District to allow County schools to be used as inoculation sites in the event of a mass emergency, TIP - the County's Technological and Industrial Park.

On motion by Supervisor Cuevas, seconded by Supervisor Breeden and carried by a vote of 4 to 0, voting recorded as follows: AHREND - AYE; BREEDEN - AYE; CUEVAS - AYE; FLOYD - AYE; KYGER - ABSENT; the Board approved a request from the City of Harrisonburg to extend the performance evaluation for the Resource Recovery Plant by revising the test period from July 1, 2004, through December 30, 2004, to September 1, 2004, through February 28, 2005.

On motion by Supervisor Breeden, seconded by Supervisor Cuevas and carried by a vote of 4 to 0, voting recorded as follows: AHREND - AYE; BREEDEN - AYE; CUEVAS - AYE; FLOYD - AYE; KYGER - ABSENT; the Board approved the Mutual Aid Agreement with the School Board and the Central Shenandoah Health District to allow County schools to be used as inoculation sites in the event of a mass emergency and authorized the County Administrator to sign the Agreement on behalf of the Board.

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COUNTY ATTORNEY'S STAFF REPORT.

Mr. Brown reviewed potential County legislation being drafted for the Board's consideration, including an increase in the "bad check" fee, payment of administrative costs in collecting delinquent taxes and charges, motorcycles not equipped with standard factory exhaust systems, removal of abandoned signs, site plan review requirements, and other potential legislation. Mr. Paxton noted that the Code amendment concerning motorcycles would be advertised for public hearing.

Staff reviewed items that may be considered for the County's Legislative Program, which will be presented to the 2005 General Assembly.

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DEPUTY COUNTY ADMINISTRATOR'S STAFF REPORT.

The Board received and reviewed Mr. King's staff report dated July 22, 2004.

He provided for the Board's consideration a proposed Service Agreement with Verizon to continue to provide telephone service for the County. He noted that, as shown in the table below, the monthly charges for the services are approximately \$10,500 and that actual charges can vary due to the addition or deletion of services throughout the year. He advised that these rates represent a continuation of the same rates that have been in place over the past three years and that the agreement term would be for three years. He recommended that the County continue with service from Verizon and that the Board authorize staff to execute the Service Agreement.

<u>Service</u>	<u>Quantity</u>	<u>Monthly Rate</u>	<u>TOTAL</u>
581	Centranet Main Station Lines	\$10.30	\$5984.30
10	Network Access Registers 1-10	\$56.92	\$569.20
41	Network Access Registers 11+	\$48.38	\$1983.58
631	Feature Package 1000	\$2.00	\$1262.00
1	Feature Package 3000	\$3.50	\$3.50
172	Voice Mail 45 minute Large Mailbox	\$4.25	\$731.00
99	Personal Receptionist Voice Mail	\$0.00	\$0.00
3	Answer 45 min Storage Multiple Mailbox	\$9.50	\$28.50
TOTAL			\$10,562.08

On motion by Supervisor Breeden, seconded by Supervisor Floyd and carried by a vote of 4 to 0, voting recorded as follows: AHREND - AYE; BREEDEN - AYE; CUEVAS - AYE; FLOYD - AYE; KYGER - ABSENT; the Board agreed to enter into the recommended contract with Verizon for a Service Agreement to provide telephone service to the County for a three-year period, beginning upon execution of the contract.

Mr. King also reported on recent tours of the Naked Creek and Germany River watersheds. Supervisor Breeden asked Mr. King to provide information for Ms. Henderson to share with National Park officials.

Mr. King announced that the County has been notified that the Virginia Association of Counties would recognize the County with an achievement award for the Plains District Community Center.

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HUMAN RESOURCES DIRECTOR'S STAFF REPORT.

The Board received and reviewed Mr. Riddlebarger's staff report dated July 28, 2004, concerning the County's dental insurance.

On motion by Supervisor Cuevas, seconded by Supervisor Breeden and carried by a vote of 4 to 0, voting

recorded as follows: AHREND - AYE; BREEDEN - AYE; CUEVAS - AYE; FLOYD - AYE; KYGER - ABSENT; the Board approved the following recommended premiums and acceptance of United Concordia as the County's Dental insurance plan provider for October 1, 2004, to September 30, 2005.

<u>Type of Coverage</u>	<u>Monthly Premium</u>
Employee Only	\$23.94
Employee + One	\$44.54
Employee and Family	\$70.48

There is no County participation in this plan.

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PUBLIC WORKS DIRECTOR'S STAFF REPORT.

The Board received and reviewed Ms. Hoover's staff report dated July 23, 2004, including information concerning progress on the sewer project for Route 11 North; Lilly Gardens; Countryside water system; Penn Laird Drive and Water Tower Road sewer; Spotswood High School waterline extension, Wal-Mart water and sewer project, Three Springs back-up power, Grottoes Container Site, and Water/Sewer specifications.

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COMMUNITY DEVELOPMENT DIRECTOR'S STAFF REPORT.

The Board received and reviewed Mr. Vaughn's staff report dated July 8, 2004, including information concerning Planning Commission activities, the McGaheysville Area Study, development activity, projects underway, upcoming requests, and tabled requests.

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FIRE AND RESCUE CHIEF'S STAFF REPORT.

Chief Symons advised the Board of issues related to the members of a volunteer fire company assisting volunteer rescue squads with medical calls. Under the current regulations, if a member of the company with basic life support designation are not permitted to assist in the transportation of patients. One alternative to resolve the

issue is for the fire company to file for BLS transportation status.

Chief Symons recommended that the Board adopt a resolution, endorsing the provision of basic life support/transport services by the Elkton Volunteer Fire Company.

On motion by Supervisor Breeden, seconded by Supervisor Floyd and carried by a vote of 4 to 0, voting recorded as follows: AHREND - AYE; BREEDEN - AYE; CUEVAS - AYE; FLOYD - AYE; KYGER - ABSENT; the Board adopted the following Resolution.

RESOLUTION NO. 04-16

WHEREAS, Elkton Volunteer Fire Company desires to offer Basic Life Support/Transport services to residents and visitors of Rockingham County, Virginia; and

WHEREAS, the public safety of residents and visitors of Rockingham County may be enhanced by the provision of Basic life Support/Transport by Emergency Medical Technicians; and

WHEREAS, the provision of such services will be under the medical control of an Operation Medical Director who is a licensed physician in the Commonwealth of Virginia; and

WHEREAS, the Rules and Regulations Governing Emergency Medical Services established by the State Board of Health require endorsement of the governing body for an agency to provide such services.

NOW, THERFORE, BE IT RESOLVED, that the Rockingham County Board of Supervisors does hereby endorse the provision of Basic Life Support/Transport services by the Elkton Volunteer Fire Company.

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VIRGINIA DEPARTMENT OF CRIMINAL JUSTICE GRANTS.

On motion by Supervisor Cuevas, seconded by Supervisor Breeden and carried by a vote of 4 to 0, voting recorded as follows: AHREND - AYE; BREEDEN - AYE; CUEVAS - AYE; FLOYD - AYE; KYGER - ABSENT; the Board accepted the following grants from the Department of Criminal Justice.

05-D3925FR05 for School Resource Officer in the amount of \$47,109 in General Funds and \$25,658 in Local Cash Match for a total award of \$72,767.

05-A4461FR05 for School Resource Officer in the amount of \$96,896 in General Funds and \$52,773 in Local Cash Match for a total award of \$149,669.

O5-H9573VW04 for the Victim-Witness Program in the amount of \$55,702 in Federal Funds and \$13,926 in State Funds for a total award of \$69,628.

Supervisor Cuevas pointed out that, when these grants are no longer available, the County is not obligated to undertake the full cost of the programs.

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APPOINTMENTS.

At the request of Chairman Ahrend, on motion by Supervisor Cuevas, seconded by Supervisor Breeden and carried by a vote of 4 to 0, voting recorded as follows: AHREND - AYE; BREEDEN - AYE; CUEVAS - AYE; FLOYD - AYE; KYGER - ABSENT; the Board reappointed Fred Eberly to the Planning Commission for a term beginning on September 1, 2004, and expiring on August 31, 2008.

On motion by Supervisor Cuevas, seconded by Supervisor Floyd and carried by a vote of 4 to 0, voting recorded as follows: AHREND - AYE; BREEDEN - AYE; CUEVAS - AYE; FLOYD - AYE; KYGER - ABSENT; the Board appointed Cynthia Grandle and Richard Haushalter to the Community Services Board for three-year terms expiring on June 30, 2007.

On motion by Supervisor Cuevas, seconded by Supervisor Floyd and carried by a vote of 4 to 0, voting recorded as follows: AHREND - AYE; BREEDEN - AYE; CUEVAS - AYE; FLOYD - AYE; KYGER - ABSENT; the Board appointed A. Wesley Graves, VI, to fill the unexpired term of Daniel M. Beam on the Community Services Board. Mr. Graves' term will expire on June 30, 2006.

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COMMITTEE REPORTS.

The Board heard committee reports by Board members and staff.

FINANCE COMMITTEE

On motion by Supervisor Cuevas, seconded by Supervisor Breeden and carried by a vote of 4 to 0, voting recorded as follows: AHREND - AYE; BREEDEN - AYE; CUEVAS - AYE; FLOYD - AYE; KYGER - ABSENT; the Board approved the following recommendations of the Finance Committee.

As requested by the Director of Social Services, the Board approved a supplemental appropriation in the amount of \$257,281 to GL Code: 220-05318-100-5714-000 CSA Mandated/Residential/Private to complete FY 03-04.

This amount is divided into \$139,594 state funding and \$117,687 local funding from the fund reserve.

The Board approved a loan and transfer of funds totaling \$60,000 from the General Fund to the Lilly Subdivision Sanitary District at June 30, 2004. The new well installation has been completed. Staff will be computing payback terms and preparing a loan document with a payment schedule for Finance Committee and Board approval in August.

Transfer

and Loan: \$ 60,000 GL Code: 403-00101-2000 (Cash in Bank - Pooled)
\$ (60,000) GL Code: 001-00101-2000 (Cash in Bank - Pooled)

\$ 60,000 GL Code: 001-00130-1403 (Due from Lilly Sub. Fund)
\$ (60,000) GL Code: 403-00208-1001 (Due to General Fund)

The Board approved a transfer of funds totaling \$75,000 from the General Fund to the Countryside Sanitary District at June 30, 2004. The transfer is to be made from Economic Development 001-08102-000-5899-000 (Other Assistance).

For Public Works-Utilities, the Board carried forward the appropriation to FY 2003-2004 of \$16,109, which was unencumbered in FY 2003-04. The funds are for a 2004 Chevrolet Colorado truck purchased in March 2004, but not delivered until July 2004.

Carry Over Appropriation: \$16,109 GL Code: 401-04402-000-8005-000
(Vehicles)

For Public Works-Utilities the Board carried forward the appropriation of \$8,185 which was unencumbered in FY 2003-04. The funds are to purchase an Econoline Utility trailer ordered in June 2004, but not delivered until July 2004.

Carry Over Appropriation: \$8,185 GL Code: 401-04402-000-8001-000
(Machinery and Equipment)

As requested by Professor Greg Mullins, Virginia Tech, in a letter dated June 25, 2004, the Board approved a two-year extension to use the funding previously provided by the County (approximately \$10,000) for a research technician for a research program to study nutrient management/water quality issues.

Supervisor Cuevas asked staff to invite Professor Mullins to appear before the Board to discuss the benefit the County is receiving from the expenditure of funds for the research technician.

In response to a letter dated July 2, 2004, from the State Department of Emergency Management, advising

that Rockingham County has received \$2,234 to assist with upgrading the Fire & Rescue Department's respiratory equipment, the Board approved the following supplemental appropriation for the FY04-05 budget.

Supplemental Appropriation: \$2,234 GL Code: 001-03201-800-6065-000
(Minor Equipment)

Approved the following transfer of funds for the FY04-05 budget in the amount of \$950,000 for the school administration relocation and renovation of the Keezletown Elementary School.

Transfer: \$950,000

From GL Code: 101-09401-000-8341-000 (Capital Fund)

To GL Code: 103-05101-2001 (School Capital Fund)

The Board approved the appropriation of \$200,000 to 103-09402 School Capital Projects for a portion of the costs of architectural and engineering fees and asbestos/mold removal for the project.

As requested in a letter dated July 23, 2004, from Erick S. Bendfeldt, Cooperative Extension Agent, the Board approved the following supplemental appropriation to the Fiscal Year 2004-2005 budget for the Virginia Cooperative Extension in the amount of \$33,800, to reclassify the 4-H Project Associate from part-time to full-time. This position is fully funded by the County.

Supplemental Appropriation:

\$ 26,520	GL Code: 001-08300-000-1100-000 Salaries & Wages - FullTime
(5,600)	001-08300-000-1300-000 Salaries & Wages - PartTime
1,600	001-08300-000-2100-000 FICA / Medicare
3,320	001-08300-000-2201-000 Retirement - VRS
7,928	001-08300-000-2300-000 Health Insurance
32	001-08300-000-2703-000 Workers Comp Insurance

For Court Services, the Board approved the following supplemental appropriation for FY2004-05 in the amount of \$17,500 for network hardware, crystal report training, ArcGIS Training and IBR forms processing. These funds are 75% federal funded through a grant from the Criminal Justice Service, and require a 25% local match split 50/50 between the County and the City of Harrisonburg, with the County funding from the Contingency Fund.

Supplemental Appropriation: \$17,500

\$13,125	GL Code: 001-02110-700-6014-000 (Other Operating Supplies)
(\$13,125)	Revenue Code: 001-03900-2700 (Records Improvement Grant)
\$4,375	GL Code: 001-02110-700-5697-000
(\$2,188)	(Grant Share)

GL Code: 001-09110-000-5800-000
(Contingency)
(\$2,187) Revenue Code 001-01899-0600
(Share of Costs – Harrisonburg)

The Board approved the following supplemental appropriation to the FY03-04 budget in the amount of \$7,986 for minor equipment. This request is State funded and will require no local match.

Supplemental Appropriation: \$7,986 GL Code: 001-03201-900-6065-000
(Minor Equipment)

As set forth in a letter dated February 23, 2004, from the State Department of Emergency Management, concerning an Emergency Management Block Grant awarded to the County in the amount of \$3,226, the Board approved a supplemental appropriation for FY03-04 budget for minor equipment.

Supplemental Appropriation: \$3,226 GL Code: 001-03505-100-6065-000
(Minor Equipment)

As requested by the Treasurer, the Board approved the following supplemental appropriation in the FY 03-04 budget in the amount of \$28,754 for attorney fees. These funds are available from funds received for unclaimed proceeds from land sales in 2001 (Revenue Code: 001-01899-0952).

Supplemental Appropriation: \$28,754 GL Code: 001-01213-000-3109-000
(Other Professional Services)

The Board approved the following supplemental appropriation and transfer to the FY03-04 budget in the amount of \$8,500,000 for temporary financing for renovations to Elkton Middle and Montevideo Middle schools.

Supplemental Appropriation:		
Revenue	\$8,500,000	GL Code: 001-04104-0600 (IDA Interim Financing for schools)
Expenditure	\$4,250,000	GL Code: 103-09402-331-8009-000 (Montevideo Building Construction)
	\$4,250,000	GL Code: 103-09402-302-8009-000 (Elkton Building Construction)
Transfer:		
Revenue	\$8,500,000	GL Code: 103-05101-2001 (Transfer from General Fund)
Expenditure	\$8,500,000	GL Code: 001-09301-000-09513-000 (Transfer to School Capital Projects)

The Board approved the following supplemental appropriation to the FY2003-04 Budget in the amount of \$35,900 for Public Works, mostly due to the increase

in air conditioning and heating services because of the increase in utility prices. These costs will be absorbed by the Fund Reserve.

Supplemental Appropriation

\$ 2,300	GL Code: 001-04100-000-2600-000	Unemployment Compensation
\$ 3,700	GL Code: 001-04100-000-5401-000	Lease & Rent Equipment
\$ 2,000	GL Code: 001-04302-000-5308-000	General Liability Insurance
\$ 2,200	GL Code: 001-04304-000-5101-000	Electrical Services
\$ 3,600	GL Code: 001-04305-000-3301-000	Repairs & Maintenance
\$ 4,300	GL Code: 001-04305-000-5101-000	Electrical Services
\$ 3,400	GL Code: 001-04310-000-5101-000	Electrical Services
\$ 3,900	GL Code: 001-04310-000-5102-000	Heating Services
\$ 3,800	GL Code: 001-04311-000-5101-000	Electrical Services
\$ 3,000	GL Code: 001-04311-000-5102-000	Heating Services
\$ 3,700	GL Code: 001-04311-000-5103-000	Water & Sewer Services
\$35,900	GL Code: 001-05201-0100	Fund Reserve

The Board approved the following supplemental appropriation to the Fiscal Year FY 2003-04 Budget in the amount of \$40,000 for Parks & Recreation due to the increased number of participants in programs and the related costs. These costs will be absorbed by the Fund Reserve.

Supplemental Appropriation

\$40,000	GL Code: 001-07104-000-3107-000	Recreational Services
\$40,000	GL Code: 001-05201-0100	Fund Reserve

The Board approved the following supplemental appropriation to the Fiscal Year FY 2003-04 Budget in the amount of \$34,000 for Debt Service - Schools, for interest costs incurred as a result of \$8.5 million IDA interim financing of the Elkton and Montevideo Middle Schools. These costs will be absorbed by the Fund Reserve.

Supplemental Appropriation

\$ 23,000	GL Code: 001-67100-900-9203-000	Interest - Interim Financing
\$ 11,000	GL Code: 001-67100-900-9301-000	Other VPSA Expenses
\$ 34,000	GL Code: 001-05201-0100	Fund Reserve

The Board approved the following supplemental appropriation to the Fiscal Year FY 2003-04 Budget in the amount of \$109,000 for the E-911 Communications Fund to pay for the County's share of the E-911 system upgrade. Funding is available from the E-911 fund reserve.

Supplemental Appropriation

\$ 109,000	GL Code: 210-03506-000-8001-000	Machinery & Equipment
\$ 109,000	GL Code: 210-00253-1000	Fund Reserve

The Board approved the following supplemental appropriation to the Fiscal Year FY 2003-04 Budget in the amount of \$12,000 for the Asset Forfeiture Fund due

to increased expenditures related to drug enforcement and prosecution. Funding is available from the Asset Forfeiture fund reserve.

Supplemental Appropriation
\$12,000 GL Code: 211-02201-000-3100-000 Professional Services
\$12,000 GL Code: 211-05201-0100 Fund Reserve

PUBLIC WORKS COMMITTEE

On motion by Supervisor Cuevas, seconded by Supervisor Breeden and carried by a vote of 4 to 0, voting recorded as follows: AHREND - AYE; BREEDEN - AYE; CUEVAS - AYE; FLOYD - AYE; KYGER - ABSENT; the Board approved the following recommendations of the Public Works Committee.

After receiving and reviewing the recommendation of the Director of Public Works, the Board approved a lease agreement with Landfill Services Corporation for \$4,950 lease per month (\$59,400 per year), \$4,600 mobilization/set-up/training, Posi-Pak bags @\$45 each, binder @\$35/ton (equals \$32,700 per year), and \$3,000 upgrade for foam-filled rubber tires. Further, the Board authorized the County Administrator, after review by staff, to sign the contract.

The Board awarded a bid for grading at the Grottoes Container Site to the low bidder, Partners Excavating Company, in the amount of \$74,825; and further, authorized the County Administrator, after review by staff, to sign the contract. The following is a summary of the bids.

<i>A&J Development and Excavation, Inc.</i>	<i>Declined to Bid</i>
<i>Blaine Enterprises</i>	<i>Declined to Bid</i>
<i>Hank's Excavating</i>	<i>Declined to Bid</i>
<i>Partners Excavating Company</i>	<i>\$74,825</i>
<i>Atkins Excavating</i>	<i>\$149,100</i>

Funds have been budgeted for this expenditure in the FY 2004-05 Budget.

Based upon a review of all costs and previous service history, the Board awarded the contract for a roll-off truck to Truck & Equipment Corp. for the purchase of a 2005 Mack Granite CV713 with a Marathon hoist for \$102,681.00. This vehicle will be used to haul waste from the Grottoes Container site and other sites in the County. The following is a summary of the bids.

VENDOR	TYPE TRUCK & HOIST	HOIST	ENGINE	TRANS	COST
Highway Motors, Inc.	Intern'l 2005 Model 7600	G & H	445 hp	10 speed	\$109,526.00
Mid-Atlantic Waste Syst	Freightliner FL-120	Marathon	435 hp	10 speed	\$102,489.99
Mid-Atlantic Waste Syst	Freightliner FL-120	Galbreath	435 hp	10 speed	\$100,265.72

Truck & Equipment Corp.	Mack 2005 Granite CV713	Marathon	400 hp	11 speed	\$102,681.00
Truck & Equipment Corp.	Mack 2005 Granite CV713	Galbreath	400 hp	11 speed	\$100,456.69
Truck Enterprises, Inc.	Volvo VHD64F200	Galbreath	365 hp	Automatic	\$109,733.00
Truck Enterprises, Inc.	Volvo VHD64F200	Marathon	365 hp	Automatic	\$111,957.00
Truck Enterprises, Inc.	Volvo VHD64F200	Galbreath	365 hp	11 speed	\$101,206.00
Truck Enterprises, Inc.	Volvo VHD64F200	Marathon	365 hp	11 speed	\$103,431.00

Funds in the amount of \$100,000.00 were budgeted for this expenditure under 410-04203-000-8005-000. A supplemental appropriation is approved for the additional \$2,681 with funding from the Solid Waste fund reserve.

After receiving the following report from the Director of Public Works, the Board awarded the contract for purchase of equipment for the Grottoes site to Welder’s Supply at a total of \$112,138.04.

The low bid for equipment for the Waggys Creek Site was provided by Mid-Atlantic, Inc. However, there were significant service issues as well as reliability issues including but not limited to: rails not included (\$400 additional), lock control panel around the buttons (\$350 additional), 12 cy hopper at Bergton had to be cut down (\$100 additional), some boxes not delivered where they should have been (County provided trucks), doors not installed on open-tops (County provided labor). Therefore, staff recommends awarding the bid to Welder’s Supply at a total of \$112,138.04. The amount budgeted in FY 2004-05 was \$70,000. Since that time, the price of steel has increased sharply. Therefore, a supplemental appropriation is necessary to approve this purchase. The following is a summary of the bids.

Vendor	RJ325 HD	40 CY	12 CY	30 CY	20 CY	30 CY	20 CY	PRICE
	Compact	Receiving	Hopper	Recycling	Recycling	Open Top	Open Top	
		Container		Container	Container			
Mid Atl	\$21,224.63	\$6,879.17	incl in	\$6,427.77	\$5,915.68	\$3,750.00	\$3,800.00	
			price for					
			comp					
Quantity	2	3	2	2	1	5	2	
Total	\$42,449.26	\$20,637.51		\$12,855.54	\$5,915.68	\$18,750.00	\$7,600.00	\$108,207.99
Welder's Supply	\$18,926.78	\$6,551.72	\$3,080.00	\$6,126.07	\$5,942.18	\$4,363.00	\$4,230.00	
Quantity	2	3	2	2	1	5	2	
Total	\$37,853.56	\$19,655.16	\$6,160.00	\$12,252.14	\$5,942.18	\$21,815.00	\$8,460.00	\$112,138.04

A supplemental appropriation is approved for the additional \$42,138 with funding from the Solid Waste fund reserve. Awarded the bid for the Spotswood Waterline extension to Plecker Construction, Staunton, in the amount of \$518,550; and awarded the bid for the

tank to Crom Corporation in the amount of \$856,200 for a total price of \$1,374,750. A summary of the bids is shown below.

Contractor	Line Price	Tank Price	Both
Plecker Construction	\$ 518,550.00	-	
Prillaman & Pace	\$ 593,029.00	-	
DLB	\$ 595,485.00	-	
Commonwealth	\$ 771,480.00	-	
Aaron Conner	\$ 788,455.00		
Danella Construction	\$1,100,780.50	\$1,007,600	\$2,088,440.50
Crom		\$ 856,200	
Atkins Excavating	No Bid Bond		
National Concrete Tanks	Not a licensed contractor		

Funds have been included in the FY12004-05 Budget for this expenditure.

The Board recommended that Countryside Sanitary District Board of Directors award the contract for Countryside waterline to Commonwealth Excavating in the amount of \$288,930. A summary of the bids is shown below.

Contractor	Base Bid
Prillaman & Pace	\$379,900.00
Aaron J. Connor	\$539,395.00
Danella Construction	No Bid
Commonwealth Excavating	\$288,930.00
Plecker Construction	\$344,820.00
Atkins Excavating	\$407,106.00

The Board approved Water and Sewer Connection Fees for effective January 1, 2005, as follows and accepted, as a future plan, fees as noted for Years 2 and 3.

	Current	Yr 1	Yr 2	Yr 3
Water Connection	\$1200	\$1600	\$2000	\$2400
Sewer Connection	\$1800	\$2400	\$3000	\$3600

If a developer has run the laterals, then the fees are as follows:

	Current	Yr 1	Yr 2	Yr 3
Water Connection	\$1000	\$1300	\$1600	\$2000
Sewer Connection	\$1500	\$2000	\$2500	\$3000

The Board approved Rules and Regulations for Water and Sewer Service as recommended by staff. The major changes are as follows:

Increased water and sewer connection fees for residents and made necessary increases to businesses so they were at least the same as a single residence.

Made the connection fee required at the time of building permit issuance. If the building permit expires, then the landowner will be required to pay the difference between the connection fee at the time of application and the connection fee at the time of

connection. For an existing dwelling, the occupant has 6 months after the payment of the connection fee to connect; otherwise, the landowner will be required to pay the difference between the connection fee at the time of connection and the connection fee previously paid.

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RECESS.

At 4:40 p.m., Chairman Ahrend declared the meeting recessed for a meeting of the Countryside Sanitary District.

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CALL TO ORDER AND RECESS FOR DINNER.

At 4:42 p.m., Chairman Ahrend called the meeting back to order and declared a recess for dinner until 7:00 p.m.

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PUBLIC HEARING - AMENDMENT TO THE FISCAL YEAR 2004-2005 ADOPTED BUDGET.

At 7:00 p.m., Chairman Ahrend declared the meeting open for a Public Hearing on an amendment to the Fiscal Year 2004-2005 Adopted Budget.

There were no requests to speak on this matter.

Chairman Ahrend called the regular meeting back to order at 7:02 p.m.

On motion by Supervisor Cuevas, seconded by Supervisor Breeden and carried by a vote of 4 to 0, voting recorded as follows: AHREND - AYE; BREEDEN - AYE; CUEVAS - AYE; FLOYD - AYE; KYGER - ABSENT; the Board approved the following amendment to the Fiscal Year 2004-2005 Adopted Budget and appropriated said amount to allow disbursement of funds previously approved by the Board of Supervisors for the County's share to construct the SPCA's new animal shelter.

Revenues:

General Fund

Fund Reserve

\$500,000

Expenditures:

General Fund

Payments for Animal Shelter \$500,000

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PUBLIC HEARING - REZONING REQUESTS.

Chairman Ahrend called the meeting to order at 7:05 p.m. and declared the meeting open for a Public Hearing on the following rezoning requests. Ms. Henderson reviewed the staff report on these requests.

RZ04-8 Jason E. Zirk, 344 Gravels Road, Harrisonburg, 22802, to rezone 2.830 acres from A2 (General Agricultural) to C-B1 (General Business with (Conditions) on tax parcel 94 (A) 134B and a part of 94 (A) 140 and located on the east side of North Valley Pike, (Route 11) approximately 300 feet north of Vine Street in Election District #2. The Comprehensive Plan designates this area as Community Residential.

The Planning Commission and staff recommended approval of this request.

Jason E. Zirk, Applicant, was present to answer questions.

There were no objections expressed.

RZ04-2 MILA, LLC, c/o David Milstead and Tim Lacey, 4131 Lumber Mill Road, Dayton, VA 22821, to rezone 105.91 acres from A2 (General Agricultural) to R3-C (General Residential with Conditions) on tax parcels 108A (2) 1.5 and 108 (A) 29 and located on the north end of Shenstone Drive and east of Switchboard Road (Route 910) in Election District #2. The Comprehensive Plan designates this area as Agricultural Reserve. R3 allows 4.3 single-family dwellings per acre.

The Planning Commission recommended approval of this request, and the staff recommended denial.

Tim Lacey, applicant, stated that he and his partner, David Milstead, combined their properties in order to provide a site for affordable housing for City and County residents. He showed the Board photographs of homes that the applicants have previously built. He noted that their homes are bought by workers in the area, including employees of the Schools,

Merck, Coors, Cargill, RMH, various banks, Fire & Rescue, etc. He pointed out that there were a limited number of subdivisions on that side of the County so their proposal should not overcrowd the public schools. He stated that the property to the north contained single family homes and single family detached houses were on the south side. He noted that the City of Harrisonburg had agreed to provide water and sewer services. He said the site was very rocky with only 25 percent of the soil suitable for farming. He stated that VDOT had recommended that all traffic exit through existing exits. He noted that there would be no adverse impact on fire and rescue services. He observed that the Comprehensive Plan showed the site as "agriculture reserve" because, at the time the Plan was recommended to the Board for adoption, Harrisonburg had not lifted its moratorium on providing water and sewer hookups to such sites. He noted that it was in the "urban growth area."

David Milstead, applicant, distributed to the Board copies of what he described as a "USDA soils report," which he said showed that 75 percent of the site was not prime farmland. He pointed out that he served on the Committee that developed the Comprehensive Plan and noted that, at that time, the City had a moratorium on water and sewer hookups in the County. He observed that, since that time, the City has lifted its moratorium, that he and his partner have worked with the City, and the City has granted permission for water and sewer to serve this property. He reminded the Board that the Comprehensive Plan "repeatedly states that the developments need to be on public water and sewer." He pointed to another goal of the Comprehensive Plan to "work with the towns and the City surrounding us to provide water and sewer." He said the proposed development would "be a good way to work with our neighbors to have controlled growth." He said he thought the area needed to be re-addressed on the Comprehensive Plan because the City's action would cause a "major change in the Plan." He said the County "now keeps developments in close proximity to the City, and the City line serves as a growth line." He pointed out that the Comprehensive Plan also calls for the provision of affordable housing. He noted that he and his partner offer housing that people can afford. He stated that the site is within the urban growth area and that major arterial roads run by the property on the west side. He reminded the Board that he was proposing 2.7 houses per acre or 285 houses below the maximum density allowed. He noted that they planned to develop 30 units per year.

Don Earman, CTX Mortgage, expressed concern about the lack of affordable housing in the County and stated that many people have to buy townhouses or move out of the County. He said he had hundreds of clients who have been preapproved for mortgages that are unable to

find housing. He advised that, although his company processed 800 mortgages last year, it could have processed many more if the houses had been available.

Randy Harman, President, Harrisonburg/Rockingham Association of Realtors, said his association was "seeing a housing affordability crisis." He noted that workers often have to drive long distances to work because there is not enough affordable housing in the County.

Ladonna Nicely, Realtor, supported the proposal. She read a statement in support of the development and noted that it would provide affordable housing to her clients.

Harold Ritchie asked what the rate of recovery was on houses that have been through foreclosure.

Mr. Earman said the rate was very low in this area.

Mr. Ritchie said there were \$400,000 homes in Battlefield Estates and MILA now wants to put \$150,000 homes in this area. He wondered if the County would be "separating the rich from the poor." He said he had visited the site in question and, although it was "rocky and rough, the previous farmer raised his family there." He thought the proposed development would "cost the County in schools and taxes."

Ruth S. Jost said she lived north of the tract. She said the Comprehensive Plan "did represent the actualization of the County's goals and provided for water and sewer in certain designated areas." She objected to the Comprehensive Plan being changed to accommodate the proposed development and suggested affordable housing be put in the areas where the Comprehensive Plan has called for development.

Frank Gerome said he lived west of the site. He pointed out that \$85,000 of taxpayer money was spent on the Comprehensive Plan. He read a statement opposing the development and submitted a petition which he said contained 54 signatures of others who were opposed.

Timothy Jost asked the Board to refrain from "throwing the Comprehensive Plan out the door three months after it was adopted." He said if the Board "violated that Comprehensive Plan with this development, there is no reason why you can't do it anywhere on that ridge." He also pointed out traffic problems on Switchboard Road that would be exacerbated by further development.

Kathy Todd said the farmhouse on the property was built in the 1840s. She noted that cattle, soybeans and corn have been raised on the property so it must have been suitable for farming. She noted that the first post office in the County was on the site. She reiterated that there were traffic problems in the area. She

pointed out that wildlife is abundant on the site and asked that the Board not allow it to be "paved over."

Dwight Shrader said he was not opposed to the request but he was concerned that it would not conform to the Comprehensive Plan. He asked the Board not to set a precedent by approving the request.

Matthew Gerome asked that the Board keep the site in agricultural zoning. He noted that "just because a site is not called 'prime agricultural land,' that does not mean it is not good farmland."

Dwight Shrader said he was paying tax dollars to support the sewer plant that the City and County use. He asked why he had to pay the City twice the rate to process his sewage.

Mr. Paxton explained that no tax dollars support the Sewer Authority. He noted that it is supported by fees from the customers of the County and City, and those in the City go against the City's allocation. He said the customer pays what the City wants to charge in order to provide service through its lines.

Supervisor Cuevas advised that the localities own a certain amount of capacity at the sewer treatment plant so that if a resident buys from the Bridgewater capacity, for example, the resident will pay the Bridgewater rate, or if the residents buys from the County, the resident will pay the County rate.

Mr. Shrader said, "I was told by a person close to the Board that this project was a 'done deal' because, if you did not approve it, the landowners would ask to be annexed by the City and the City would approve it."

Supervisor Ahrend said that was something none of the Board was aware of.

Mr. Paxton pointed out that there was a State moratorium on annexation by the City.

Kim Sandum agreed with the points made by previous speakers. She objected to the request being made just three months after the Comprehensive Plan was approved by the Board, "especially from someone who was heavily involved in the process."

Mr. Lacey pointed out that a statement was made about the rich living on one side of the County and the poor on the other. He noted that Belmont was further west than this development would be. He reminded the Board that the estimate of 175 children being added to the system came from the School Superintendent and stated that, by the time people have school-age children, they would have moved to a larger house. He noted also that some of the children would already be attending County schools. He said he and his partner were "participating with the City" to upgrade the

sewer line to the proposed development. He added, "Anything further west would not have sewer capacity to continually chip away at agriculture." He said he had requested 13 months ago that the site be designated for development because there was a possibility that the moratorium might be lifted, and he was told it would not be done because the water and sewer was not available at that time. He noted that the Comprehensive Plan was a guide to go by and subject to change.

At 8:40 p.m., Chairman Ahrend closed the public hearing and called the regular meeting back to order.

At the request of Chairman Ahrend, on motion by Supervisor Breedon, seconded by Supervisor Cuevas and carried by a vote of 4 to 0, voting recorded as follows: AHREND - AYE; BREEDON - AYE; CUEVAS - AYE; FLOYD - AYE; KYGER - ABSENT; subject to following proffers, the Board approved RZ04-8 Jason E. Zirk, 344 Gravels Road, Harrisonburg, 22802, to rezone 2.830 acres from A2 (General Agricultural) to C-B1 (General Business with (Conditions) on tax parcel 94 (A) 134B and a part of 94 (A) 140 and located on the east side of North Valley Pike, (Route 11) approximately 300 feet north of Vine Street in Election District #2.

Plans for the above-stated site is for a mini storage facility.

All other permitted uses for B-1 zoning stated in Rockingham County Code do not pertain to the plans for the property, therefore, the right to delete them as part of the rezoning request was exercised.

In regard to the MILA, Inc., request, Chairman Ahrend said the term "agriculture reserve" no longer fit once the water and sewer was available and noted it was "up for grabs" as to whether the site was in an "agriculture reserve" or "urban growth" area. He said he believed it should be "looked into further" and pointed out that the staff had recommended against the rezoning while the Planning Commission recommended approval. He said he saw the Comprehensive Plan as a "plan, not as a Bible." He asked if a fellow Board member would move to table the request so that the Board could visit the site and give more thought to the information brought forth at the public hearing.

Supervisor Cuevas said he would have "a hard time" going against the Comprehensive Plan and the intent of its wording. He objected to the County being "driven by water and sewer provided by the City, who up to the present time had chosen not to provide it to County citizens who needed it until the County agreed to the City's taking additional capacity from the South Fork of the Shenandoah River. He noted that, by lifting the moratorium, the City would be charging County residents twice as much as City citizens pay. He said he had seen "a lot of decent crops" growing on the property. He added that VDOT had told him that improvements would not be made to Route 33 West before 2025. He reminded the Board of all the effort that went into the development of the Comprehensive Plan and the agreement that most of the development would be around the towns where the County has the capacity for sewer and water rather than by the borders of the City. He said he did not know what additional information would be gained in postponing the request.

Chairman Ahrend pointed out that a full Board was not present with the absence of Supervisor Kyger.

Supervisor Cuevas said he did not have a problem with postponing a vote but he did not see what would change by postponing it.

Supervisor Breeden said he agreed with most of the statements made by Supervisor Cuevas but, out of courtesy to Supervisor Ahrend, he made a motion to table the request. Supervisor Cuevas seconded the motion which carried by a vote of 4 to 0, voting recorded as follows: AHREND - AYE; BREEDEN - AYE; CUEVAS - AYE; FLOYD - AYE; KYGER - ABSENT.

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INFORMATION ITEMS.

The Board received the following information items.

- a. Emergency Communication Center Update Schedule.
- b. Information concerning Meeting on Produce Auction Progress Report and Update - July 14, 2004.
- c. Letter dated July 1, 2004, from Department of Housing & Community Development, regarding Dry Well Replacement #DW-34 Compliance Review.
- d. Report on VDOT public hearings, information meetings, willingness deadlines for receipt of public hearing request July 2004.

- e. Letter dated June 30, 2004, from VDOT regarding Primary and Secondary Road Fund (Revenue Sharing Funds) Fiscal Year 2004-05.
- f. Letter dated June 30, 2004, from VDOT regarding the Commonwealth Transportation Board's allocations for the FY 2003-04 Supplemental Revenue Sharing Program.
- g. Rent/Lease Payments for June 2004.
- h. Treasurer's Quarterly Refund Report for the period April 1, 2004, to June 30, 2004.

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ADJOURNMENT.

At 8:55 p.m., without objection, the meeting was adjourned.

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Chairman